

Acton Board of Health – Minutes  
October 6, 2003  
Room 126, Town Hall

Board Members Present: William McInnis, Chairman, Mark Conoby, Roxanne Hunt, Robert Oliveri and Associate Member Rita Dolan.

Staff Present: Doug Halley, Health Director, Brent Reagor, Health Agent & Sheryl Ball, Secretary.

Others: Barbara Lam, Rosalie Berry, Johnathan Markey, Dick Dolan, Richard Doherty, Mike Abboud, Lisa Bergemann, Susan Schlener, and Todd Lobo.

The meeting was called to order at 7:35 p.m.

**Minutes**

On a motion made by Ms. Hunt, seconded by Mr. Oliveri, the Board unanimously voted to approve the minutes of August 25, 2003 as amended.

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to approve the minutes of September 8, 2003.

On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board unanimously voted to approve the minutes of September 29, 2003 as amended.

**Variance – 111 Willow Street**

The Health Department has received a request from the owner of 111 Willow Street for a variance from Title 5, 310 CMR 15.405(1)(a) to allow a reduction in the offset from a leaching facility to a property line. The Health Department has reviewed the plans and finds that the lot is constricted by bordering vegetated wetlands and also by the placement of the existing home. The Board stated that they would like to see the property line surveyed to ensure that the system is no closer than proposed 5'. On a motion made by Mr. Oliveri, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from 310 CMR 15.405(1)(a) to 111 Willow Street with the following conditions:

1. The system is required to be pumped at least once every two years.
2. A two compartment tank is installed in lieu of the proposed single compartment tank.
3. An MADEP approved effluent tee filter is installed on the last outlet tee of the septic tank and the cover over the filter is brought to final grade with a cast iron manhole frame and cover.

4. The system be built in accordance with the above listed conditions and a plan stamped by Brian Conner, PE dated 9/16/2003.
5. The property line closest to the sewage disposal system shall be surveyed by a Professional Land Surveyor.

#### **Variance – 69 Charter Road**

The Health Department has received a request from the owners of 69 Charter Road seeking a variance to Article 11-9.1 for a reduction in the minimum leaching area, Article 11-7.2 for a reduction in the minimum distance to a bordering vegetated wetland, 310 CMR 15.405(1)(a) for a reduction in the required offset from the leaching facility to a property line, 310 CMR 15.405(1)(b) for a reduction in the required offset from the septic tank to the foundation and the leaching facility to the foundation. Mr. Reagor explained that this is a tight lot with a historic stone wall on a scenic roadway. Mr. McInnis asked why the leaching area was not placed further into the driveway area to allow for the larger leaching area. Mr. Markey, Foresite Engineering, stated that they needed an area to accept deliveries and also to minimize the disturbance to the driveway.

On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to grant a variance from Article 11-9.1, 11-7.2, 310 CMR 15.405(1)(a) & (1)(b) to 69 Charter Road with the following conditions:

1. The system is required to be pumped at least once every two years.
2. The system is built in accordance with a plan stamped by Scott Hayes, PE dated 9/19/2003.

#### **Variance – 170 Arlington Street**

The Health Department has received a request for a variance from Article 11-9.6, reduction in depth of stone and Article 16-6.2.7 reduced setback to a wetland. The system has been designed with an effluent tee filter and a 1500 gallon two compartment septic tank in order to provide equivalent environmental protection. Mr. Reagor stated that the site is restricted by depth to groundwater, restrictive soils and the presence of bordering wetlands. On a motion made by Mr. Oliveri, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from Article 11-9.6 and 16-6.2.7 to the property located at 170 Arlington Street with the following conditions:

1. The system is required to be pumped at least once every two years.

2. The system is built in accordance with a plan stamped by Steven Calichman, RS, dated 9/19/2003.

#### **Variance – 8 Crestwood Road**

The Health Department has received a request for a variance from Article 11-9.1, reduction in required leaching area and a request to use the LTAR from Title 5 and 310 CMR 15.405(1)(b) and a reduction in the required offset to a foundation wall. This site consists of a failing septic system which is restricted by the groundwater elevation and the location of the existing structure. The portion of the property located in the back is restricted by an MBTA easement. On a motion made by Mr. Oliveri, seconded by Mr. Conoby, the Board unanimously voted to grant a variance from Article 11-9.1 and 310 CMR 15.405(1)(b) to 8 Crestwood Road with the following conditions:

1. The system is required to be pumped at least once every two years.
2. An MADEP approved effluent tee filter is installed on the last outlet tee of the septic tank and the cover over the filter is brought to final grade with a cast iron manhole frame and cover.
3. The system is built in accordance with the above listed conditions and a plan stamped by Mark Donohoe, PE, dated 9/23/2003.
4. The fill easement language shall be approved by the Health Department and the fill easement shall be filed on the appropriate deed(s) prior to the issuance of the Disposal Works Construction Permit.

#### **Tedeschi's – 75 Great Road – Request for Auto Fry Fryolator:**

The Health Department has received a request from Tedeschi's for approval of a fryolator at their establishment, located at 75 Great Road. In a previous approval for the installation of a grill, the Board of Health had a concern with the lack of an external grease trap and conditioned approval of the grill stating that there be no fryolator on site. The owner, Mr. Abboud is proposing to use a product called Auto Fry, which is a self contained unit that does not connect to the plumbing of the building. The unit drains into an internal reservoir and the waste is placed into a container outside of the building for removal. Mr. Conoby requested that Mr. Abboud submit a letter to the Health Department indicating how the waste will be managed. On a motion made by Mr. Oliveri, seconded by Ms. Hunt, the Board unanimously voted to amend condition #2 from the January 24, 2000 meeting to now read the following:

2. The facility shall have no on-site fryolator which is connected to the on-site plumbing.

**Discussion – 45 Nagog Park**

The property owners, CA-RO-SUE Realty Trust, their engineer, Mr. Todd Lobo, Beals Associates, Inc. along with their attorney, Ms. Lisa Bergemann, D'Agostine, Levine, Parra and Netburn, PC were present before the Board to discuss their proposal for an on-site sewerage system. The property located at 45 Nagog Park received approval from the Health Department for an onsite sewage disposal system in November, 2002. However, the DEP issued a letter superceding that approval based on the fact that a portion of this property is serviced by the North Acton Treatment Plant. The North Acton Treatment Plant currently has a moratorium on new connections. The owners met with the DEP and Doug Halley to discuss this issue. Based on the meeting the owners are now proposing additional treatment in the form of a FAST wastewater treatment system with a 3,000 gpd flow rate and are seeking Board of Health guidance. The NitriFast 4.5 system chosen will achieve a minimum reduction in the TSS, BOD and TKN to a level of 30-30-25. The Board stated that the I/A system as proposed would be a better alternative than the previous Title 5 system the Board has approved. The Board also stated that if the sewer would become available then they would like to see the owners connect. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to inform the DEP that the Board is satisfied with the proposed treatment conditioned on the following:

1. There shall be no increase of the design flow of the project as proposed in a plan dated November 8, 2002 and stamped by Todd Lobo, PE.
2. The applicant will be required to connect to the North Acton Treatment Facility within five (5) years of the moratorium on sewer connections to the Facility being lifted.
3. No other facilities, other than the one proposed on a plan dated November 8, 2002 and stamped by Todd Lobo, PE., are allowed to connect or utilize the proposed disposal works system or the additional treatment being provided.

**Hazardous Materials Control Permit – 816 Main Street**

The Health Department has received an application from the owners of 816 Main Street for a Hazardous Materials Control Permit. This permit would be for the proposed remediation following a discharge. The site has already received Board approval for a Disposal Works Construction Permit and an Aquifer Permit from the Health Department. The results of the well testing at the abutting lot, 825 Main Street, showed no contaminants. On a motion made by Mr.

Oliveri, seconded by Ms. Hunt, the Board unanimously voted to grant a Hazardous Materials Control Permit to 816 Main Street with the following conditions:

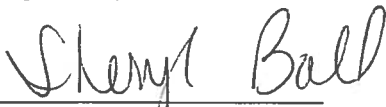
5. All Hazardous Wastes must be disposed of by a licensed, DEP approved hauler, or be recycled on site.
6. Copies of either all invoices or manifests, for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
11. Personal Protective Equipment, including Chemical resistant gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Materials or Waste storage or use area.
26. The operation of this facility shall be in compliance with all present and future regulations of EPA and DEP at all times. Nothing in this permit allows or requires non-compliance with all present and future applicable laws or regulations of the Federal or State Governments.
35. All reports sent to the DEP or EPA, in regards to the waste site cleanup, shall also be submitted to the Board of Health

**Other Business**

- Rita Dolan spoke briefly with the Board about an upcoming concert by Eliot Steger. Mr. Steger contributes his earnings to Health related causes and Ms. Dolan stated that the APHNS could benefit from this concert.
- Mr. Reagor stated the DEP has reviewed and commented on the proposed Article 20 changes.
- Mr. Halley stated the Mass. Association of Health Boards has raised its annual dues from \$50.00 to \$385.00.

On a motion made by Ms. Hunt, seconded by Mr. Oliveri, the Board unanimously voted to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,



Sheryl Ball, Secretary  
Acton Board of Health



William McInnis, Chairman  
Acton Board of Health